



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: ZELDIS et al.

Application No: 09/853,617

Group Art Unit: 1623

Filed: May 14, 2001

Examiner: P. Lewis

For: COMPOSITIONS AND METHODS FOR Attorney Docket No.: 9516-022
THE TREATMENT OF CANCER

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Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is in response to the Office Action mailed December 3, 2002, in which the above-captioned application was examined for restriction purposes only. Applicants respectfully request consideration and entry of the following remarks and provisional election in the file of the application.

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REMARKS

On page 2 of the Office Action, the Examiner requires that the claims pursued in this application be restricted to one of five groups. Applicants provisionally elect, with traverse, group I (claims 1-11), but as discussed below, respectfully request that groups II-V also be examined in this application.

Applicants respectfully submit that a single search directed to thalidomide and a topoisomerase inhibitor would necessarily encompass all of the claims of groups I-V. For this reason, it is believed that the examination of groups I-V would not impose an unreasonable burden on the Examiner. Manual of Patent Examining Procedure, §803.01.